

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§
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§
§

v.

CRIMINAL NO. 4:11cr132

GARY ALLEN FULBRIGHT

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 10, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Andy Williams.

On March 5, 2012, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 33 months imprisonment followed by a three-year term of supervised release for the offense of felon in possession of a firearm. Defendant began his term of supervision on October 23, 2013.

On July 31, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 50). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (3) Defendant shall work regularly

at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons; and (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On December 26, 2013, Defendant committed the offense of driving without a driver's license in Paris, Lamar County, Texas. On June 16, 2014, Defendant was arrested by the Paris, Texas, Police Department for the offense of aggravated assault with a deadly weapon, a second degree felony. On July 21, 2014, Defendant was indicted for the same offense in the 6th Judicial District court, Lamar County, Texas, in Cause Number 25845. Defendant was released from custody July 22, 2014, on a \$100,000 bond; (2) Defendant failed to report to the United States Probation Office on November 26, 2013, as instructed; (3) Defendant failed to maintain employment during the months of November 2013 through July 2014; and (4) Defendant failed to submit to random drug testing on May 14 and 16, 2014.

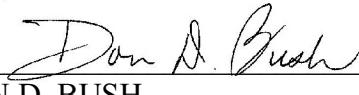
At the hearing, Defendant entered a plea of true to the alleged violations except the aggravated assault allegation. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the September 10, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, with

no supervised release to follow, to run consecutively to any other sentence being served. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Texarkana, if appropriate.

SIGNED this 11th day of September, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE